

Law Office of David M. Marcus
1650 Broadway, Suite 707
New York, New York 10019
(646) 536-7602

July 28, 2005

New York Post
1211 Avenue of the Americas
New York, New York 10036
Attn: David Boyles
Photography Department

Re: Use of Sam Shaw's Marilyn Monroe photograph in July 13, 2005 New York Post Article

Dear Mr. Boyles:

I represent Shaw Family Archives, Ltd. (hereinafter referred to "SFA"). SFA owns the right to market/license all photographic images taken by the photographer Sam Shaw.

I am in receipt of the July 13, 2005 edition of the New York Post containing an article featuring a photograph of Marilyn Monroe. (See p. 11). Although Sam Shaw took this famous image on the set of the Seven Year Itch in 1954, you incorrectly credit this photograph generically to 20th Century Fox. Further, you have failed to pay SFA a license fee.

Sam Shaw was hired by Charles Feldman, the producer of "The Seven Year Itch," to create publicity for that film. He staged the famous skirt-blowing scene in New York, and recreated that scene in Los Angeles, for the purpose of creating publicity for the film. Although other photographers were present at the New York City shoot, the prime location for taking photographs was reserved for Sam Shaw. Sam Shaw was the only photographer present at the shoot in Los Angeles. His "Flying Skirt" series from that film become iconographic for Marilyn Monroe and the 1950's.

The image of Marilyn Monroe printed in the July 13, 2005 edition of your paper was clearly taken by Sam Shaw. This image has appeared in books, with Sam Shaw's credit, and was the basis of a BBC documentary that highlighted the most famous photographs of the 20th Century. (Annexed hereto is a copy of the exact same image printed in the New York Post article as it appeared in Sam Shaw's book "Marilyn Among Friends"). Moreover, Sam Shaw, and his credit for taking the famous "Flying Skirt" series has been covered in New York Post articles by Earl Wilson, Leonard Lyons, Cindi Adams and Jack Neufeld (copies of Mrs. Adam's and Mr. Neufeld's articles are annexed hereto). As such, on behalf of SFA, demand is hereby made that your paper prints a correction properly crediting Sam Shaw with photographic credit. As most of the

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relevant article discusses the photo shoot, it is unconscionable that your paper did not even identify the photographer who took this photograph. Further, SFA demands that a licensing fee be paid for the use of this image. This fee should be your normal page rate multiplied by 100%. This higher amount is demanded because of your failure to credit Sam Shaw as the photographer.

Please contact the undersigned so that we may discuss this matter further.

Very truly yours,

David M. Marcus

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